

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON TALCUM
POWER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

No. 3:16-md-02738-MAS-RLS

**DECLARATION OF SEAN C. GARRETT IN SUPPORT OF
DEFENDANTS' MOTION TO COMPEL INSPECTION OF DR. WILLIAM
LONGO'S LABORATORY**

I, Sean C. Garrett, declare as follows:

I am an attorney of the state of New Jersey and an associate attorney with the law firm Faegre Drinker Biddle & Reath LLP, counsel for Defendants Johnson & Johnson LLT Management LLC (hereafter, "Defendants") in the above-captioned matter. The facts stated in this Declaration are true of my own personal knowledge. I submit this Declaration in Support of Defendants' Motion to Compel Inspection of Dr. William Longo's Laboratory.

1. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of Dr. William Longo's deposition on February 7, 2019, in *Leavitt v. Johnson & Johnson, et al.*, No RG17882401 (Super. Ct. Ca., Alameda Cnty.).

2. Attached hereto as **Exhibit B** is a true and correct copy of Judge Jim D. Lovett's Order Relating to Garlock Inc's Motion to Suppress Testimony of Dr. William Longo and Mr. Hatfield, issued on July 5, 2001 in the matter entitled *In Re: Lamar County Asbestos Litigation Cases Filed or To be Filed by Waters & Kraus in Lamar County, Texas* (Case ID: 100200548).

3. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of trial proceedings from September 4, 2019, in *Cabibi v. Johnson & Johnson*, et al., No. BC665257, JCCP No. 4674 (Super. Ct. Ca., L.A. Cnty.).

4. Attached hereto as **Exhibit D** is a true and correct copy of an excerpt of trial proceedings from March 5, 2019, in *Rimondi v. BASF Catalysts*, et al., No. MID-2912-17AS (N.J. Super. Ct., Middlesex Cnty.).

5. Attached hereto as **Exhibit E** is a true and correct copy of an excerpt of Dr. William Longo's deposition on January 25, 2019, in *Young v. Johnson & Johnson et al.*, No. 1522-CC09728-02 (M.O Cir. Ct., St. Louis).

6. Attached hereto as **Exhibit F** is a true and correct copy of an excerpt of Dr. William Longo's deposition on February 8, 2021, in *Forrest v. Johnson & Johnson. et al.*, No. 1522-CC00419-02 (M.O Cir. Ct., St. Louis).

7. Attached hereto as **Exhibit G** is a true and correct copy of an excerpt of Dr. William Longo's deposition on November 3, 2023, in *Eagles v. Arvinmeritor, Inc., et al.*, No. 22CV018294 (Super. Ct. Ca., Alameda Cnty.).

8. Attached hereto as **Exhibit H** is a true and correct copy of an excerpt of Lee Poye's deposition on September 25, 2020, in *McNeal v. Autozone, Inc., et al.*, Case No. BC698965 (Super. Ct. Ca., L.A. Cnty.).

9. Attached hereto as **Exhibit I** is a true and correct copy of the International Organization for Standardization Standard entitled ISO 22262-1 Air Quality – Bulk Materials – Part 1: Sampling and qualitative determination of asbestos in commercial bulk materials dated July 1, 2012.

10. Attached hereto as **Exhibit J** is a true and correct copy of an excerpt of Dr. William Longo's deposition on October 23, 2023, in *Eagles v. Arvinmeritor, Inc., et al.*, No. 22CV018294 (Super. Ct. Ca., Alameda Cnty.).

11. Attached hereto as **Exhibit K** is a true and correct copy of Dr. William Longo's report issued on February 28, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759, (Super. Ct. Ca., Alameda Cnty.).

12. Attached hereto as **Exhibit L** is a true and correct copy of an excerpt of Dr. William Longo's deposition on March 3, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

13. Attached hereto as **Exhibit L.1** is a true and correct video excerpt of Dr. William Longo's deposition on March 3, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

14. Attached as **Exhibit M** is a true and correct copy of the Updated Notice of Oral and Videotaped Deposition of Dr. William Longo Ph.D. Duces Tecum, Notice to Preserve and Notice of Inspection served in this case on April 18, 2024.

15. Attached as **Exhibit N** is a true and correct copy of Plaintiff's Steering Committee's Responses and Objections to the Updated Notice of Oral and Videotaped Deposition of Dr. Longo served in this case on May 1, 2024.

16. Attached hereto as **Exhibit O** is a true and correct copy of an excerpt of Dr. William Longo's deposition on November 5, 2018, *Kerkhof, et al., v. Brenntag North America Inc., et al.*, NO. 439392-V (G.A. Cir. Ct., Montgomery County).

17. Attached hereto as **Exhibit P** is a true and correct copy of an excerpt of Dr. William Longo's deposition on April 2, 2024, in *Clark v. Johnson & Johnson, et al., et al.*, No.MID-2912-17AS (N.J. Super. Ct., Middlesex Cnty.).

18. Attached hereto as **Exhibit Q** is a true and correct copy of an excerpt of a transcript of a case management conference on March 15, 2023, in *Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

19. Attached hereto as **Exhibit R** is a true and correct copy of correspondence dated March 9, 2023, from Defendants' counsel to Plaintiff's counsel regarding Dr. Longo in the matter *Anthony Hernandez Valadez v. Johnson & Johnson, et al.*, No. 22CVO12759 (Super. Ct. Ca., Alameda Cnty.).

20. Attached hereto as **Exhibit S** is a true and correct copy of an excerpt of a transcript of a case management conference on March 23, 2023, in *Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

21. Attached hereto as **Exhibit T** is a true and correct copy of an excerpt of a transcript of Dr. William Longo's testimony before the United States Food and Drug Administration that took place on February 4, 2020.

22. Attached hereto as **Exhibit U** is a true and correct copy of an excerpt of Dr. William Longo's deposition on February 27, 2020, in *Zimmerman v. AutoZone Inc., et al.*, No. BC720153, JCCP No. 4674 (Super. Ct. Ca., L.A. Cnty.).

23. Attached hereto as **Exhibit V** is a true and correct copy of an excerpt of Dr. William Longo's deposition on May 2, 2024, in this case.

24. Attached hereto as **Exhibit W** is a true and correct copy of an excerpt of trial proceedings from August 24, 2018, in *Weirick, et al., v. Brenntag North America, Inc.*, et al, No. BC656425, No. JCCP 4674 (Super. Ct. Ca., L.A. Cnty.).

25. Attached hereto as **Exhibit X** is a true and correct copy of a demonstrative prepared by counsel for Defendants, which was marked as Exhibit 4 to the deposition of Dr. William Longo on March 15, 2023, in *Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

26. Attached hereto as **Exhibit Y** is a true and correct copy of an excerpt of trial proceedings from July 7, 2021, in *Prudencio v. Johnson & Johnson, et al.*, No. RG20061303, (Super. Ct. Ca., Alameda Cnty.).

27. Attached hereto as **Exhibit Z** is a true and correct copy of Dr. Shu-Chun Su's report dated May 21, 2024, issued in this case.

28. Attached hereto as **Exhibit AA** is a true and correct copy of an excerpt of Dr. William Longo's deposition on September 9, 2022, in *Chapman v. Avon Products Inc., et al.*, No 22STCV05968, No. JCCP 4674, (Super. Ct. Ca., L.A. Cnty.).

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 21, 2024

/s/ Sean C. Garrett
Sean C. Garrett